

Appl. No. : 10/601,072
Filed : June 19, 2003

REMARKS

In the Restriction Requirement mailed December 15, 2005, the Examiner alleges that the currently pending claim set is divisible into the following patentably distinct inventions:

- I. Claims 1-14, classified in class 435, subclass 4.
- II. Claims 15-28, classified in class 435, subclass 4.
- III. Claims 29-42, classified in class 514, subclass 2.
- IV. Claims 43-57, classified in class 514, subclass 2.
- V. Claims 58-67, classified in class 435, subclass 4.
- VI. Claims 68-86, classified in class 514, subclass 2.
- VII. Claim 88, classified in class 530, subclass 350.
- VIII. Claim 89, classified in class 530, subclass 350.
- IX. Claim 90, classified in class 530, subclass 350.
- X. Claim 91, classified in class 530, subclass 350.

The Examiner also asserts that certain claim groups include the following patentably distinct species: (A) SLC; (B) CCL19; (C) CCL5; (D) CXCL9; and (E) CXCL10.

In response to this Restriction Requirement, Applicants provisionally elect the claims of Group II (claims 15-28) with traverse. Applicants also elect the species CCL5. Although the claims in Groups I and II are patentably distinct, Applicants submit that the claims of these two groups can be examined together without serious burden. Section 803 of the M.P.E.P. states that “[i]f the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.”

Applicants respectfully submit that Groups I and II can be searched and examined without serious burden because these groups are both directed to similar, significantly overlapping subject matter. In fact, the claims of Groups I and II include the same steps. Specifically, the claims of both Group I and Group II include the step of contacting a chemokine with an agent selected from the group consisting of THAP-1, a polypeptide having at least 30% amino acid identity to THAP-1, a chemokine-binding domain of THAP-1 and a polypeptide having at least 30% amino acid identity to a chemokine-binding domain of THAP-1. The claims of Group II add only the requirement that the chemokine be contacted with an effective amount of the agent

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so as to inhibit the activity of the chemokine. Additionally, the overlapping subject matter of Groups I and II is further evidenced by classification of these two groups in the same search class and subclass (see the Examiner's classification above). As such, a search for the subject matter of the claims of Group II would also include the search for the subject matter of the claims of Group I.

Because Groups I and II contain significantly overlapping subject matter and because they are classified in the same search class and subclass, an undue burden would not be placed on the Examiner if both Groups I and II were searched and examined together. In fact, the results obtained in one search would necessarily apply to the other search. As such, Applicants respectfully request partial withdrawal of the Restriction Requirement, and examination of Group I and II (claims 1-14 and 15-28, respectively) on the merits.

CONCLUSION

Applicants believe that all outstanding issues in this case have been resolved and that the present claims are in condition for allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is invited to contact the undersigned at the telephone number provided below in order to expedite the resolution of such issues.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: May 15, 2006

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